

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 5, 2007 at 10:00 a.m., or as soon thereafter as the matter may be heard in the Courtroom of the Honorable Charles R. Breyer of the above-referenced Court located at 450 Golden Gate Avenue, San Francisco, California, defendant Concord EFS, Inc. ("Concord") will, and hereby does, move for summary judgment pursuant to Rule 56(c) of the Federal Rules of Civil Procedure.

As grounds for its motion, Concord asserts that there are plausible procompetitive justifications for the setting of a system-wide interchange fee in the Star ATM network. Where such justifications exist, *per se* treatment of a practice is inappropriate as a matter of law. Accordingly, Concord seeks an order granting summary judgment and dismissing plaintiffs' *per se* claim.

Concord's motion for summary judgment is based on this Notice, the accompanying Memorandum of Points and Authorities, supporting declarations, all pleadings, records, and papers on file in this action, all matters of which judicial notice may or have been taken, and such further evidence and argument as may be presented to the Court at the hearing of this motion.

1 Dated: August 3, 2007

Respectfully submitted,

2 /s/ Peter E. Moll

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